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March 22, 1990

Jess J. Franco  
Chicago District Engineer  
United States Army Corps of Engineers  
219 South Dearborn Street  
Chicago, Illinois 60604

Re: Complaint as to Unpermitted Dredge and Fill  
Operation - Griffith, Indiana

Dear Mr. Franco:

As you may be aware, the Town of Griffith, Indiana is currently constructing a solid waste landfill cell in an area of their Town designated as a "wetland" in accordance with United States Army Corps of Engineer (Corps) and United States Environmental Protection Agency regulations. That landfill cell has been permitted by the State of Indiana Department of Environmental Management but the Town has not applied for, or received, a Section 404 permit. Further, the area at issue encompasses several acres and so can not be considered within the purview of any national permit granted by the Corps.


We believe that a clear issue exists as to the propriety of the dredging and filling of this designated wetland currently being undertaken by the Town of Griffith in the absence of necessary permitting. Section 404 of the Federal Water Pollution Control Act and the regulations promulgated pursuant thereto clearly mandate that such disturbance of wetlands is prohibited without a permit. Yet the Town of Griffith continues to destroy wetland acreage in total disregard of the statutory and regulatory restriction.

We hereby request that the Corps issue the Town a cease and desist order preventing further destruction of the wetland in the absence of a properly issued permit.<sup>1</sup> In discussions with the United States Environmental Protection Agency and Fish and Wildlife Services, both agencies have indicated confusion as to why the Corps has not initiated the appropriate enforcement action already, given this clear disregard of legal requirements and the "no net loss" policy. A cease and

<sup>1</sup> We also question the advisability of permitting the placement of a solid waste disposal cell in a designated wetland given the clear environmental implications for migration of contaminants. That potential threat to adjoining wetlands and surface waters could and should be addressed through the permit application process.

desist order is clearly appropriate under the circumstances of the Town of Griffith situation.

Very truly,

  
Barbara Magel

cc: Robert Swale  
Stephen Siegel